



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

OCT 16 2007

Reply To
Attn Of: AWT-121

Ms. RueAnn Thomas
J.H. Baxter & Co.
85 N. Baxter Road
P.O. Box 10797
Eugene, OR 97440-2797

Re: Request for Extension and Proposed Schedule, Remedial Action Pilot Study
Work Plan, and Performance Monitoring Plan
Former J.H. Baxter & Co., Arlington Facility
§ 7003 Administrative Order on Consent ("Order")
Docket No.: RCRA-10-2001-0086
EPA ID No.: WAD 05382 3019

Dear Ms. Thomas:

The U.S. Environmental Protection Agency, Region 10 ("EPA") has received from J.H. Baxter & Co. a Request for Extension and Proposed Schedule for submittal of the final Corrective Measures Study (CMS) Report, dated September 5, 2007. The extension request and schedule are consistent with what EPA and J.H. Baxter representatives discussed at our meeting in Seattle on August 16, 2007. Pursuant to paragraph 72 of the Order EPA hereby approves the extension and schedule as proposed for submittal of interim deliverables and the final CMS Report.

EPA has also received the Remedial Action Pilot Study Work Plan (Work Plan), dated September 18, 2007, and agrees that the work proposed will yield important information necessary for approval of the final CMS Report. J.H. Baxter may proceed with voluntary implementation of the Pilot Study. EPA is neither approving nor disapproving this Work Plan pursuant to the Order.

Finally, EPA has received the facility's Remedial Action Pilot Study Performance Monitoring Plan (Performance Monitoring Plan), dated September 25, 2007, and the Response to Comments on the Corrective Measures Study, dated September 17, 2007. We have not completed our review of those documents. However, the facility may move forward with voluntary implementation of the Pilot Study prior to EPA approval of the Performance Monitoring Plan and the Response to Comments on the CMS. EPA will provide comments on the Performance Monitoring Plan and the Response to Comments shortly.

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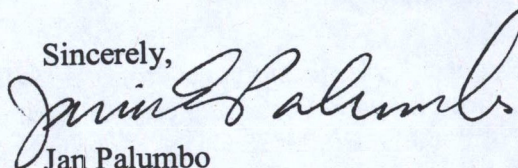
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Please be reminded that the work set forth in the Pilot Study Work Plan is scheduled to occur prior to the approval of a Corrective Measures Study Report and selection by EPA of a final corrective measure. The process of selecting a corrective measure is subject to public review and comment. This work could be in conflict with work that EPA determines is required to be conducted under the Order and is, thus, being undertaken at J.H. Baxter's risk. Nothing in the Pilot Study Work Plan, or EPA's communication relating to it, alters or affects J.H. Baxter's existing responsibilities and obligations under the Order. Undertaking the pilot study will not affect EPA's objective review of the CMS Report and does not predetermine the corrective measure that will be ultimately selected by EPA.

Please contact me at (206) 553-6702 or at palumbo.jan@epa.gov, or have your legal counsel contact Jennifer MacDonald at (206) 553-8311, if you have any questions regarding this letter and the enclosed comments.

Sincerely,



Jan Palumbo
Project Coordinator

Enclosure

cc: SaraBeth Watson, Steptoe & Johnson, Washington D.C.
Douglas Fox, Stella-Jones Corp.
J. Stephen Barnett, Premier Environmental, Portland
Gary Dupuy, Geomatrix, Seattle
Georgia Baxter, J.H. Baxter, San Mateo
Dean Yasuda, Washington State Department of Ecology